

**MINUTES
of the
FIFTH MEETING
of the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

**October 12-13, 2004
State Capitol, Room 311
Santa Fe, NM**

The fifth meeting of the Corrections Oversight, Courts and Justice Committee was called to order by Representative W. Ken Martinez, co-chair, and Senator Michael S. Sanchez, co-chair, on October 12, 2004 at 2:00 p.m. in Room 311, State Capitol.

PRESENT

Rep. W. Ken Martinez, co-chair
Sen. Michael S. Sanchez, co-chair
Rep. Thomas A. Anderson
Sen. Richard C. Martinez

ABSENT

Rep. Joseph Cervantes
Sen. Carroll H. Leavell
Sen. William H. Payne

Advisory Members

Rep. Gail C. Beam (10/13)
Rep. Jane E. Powdrell-Culbert
Sen. Lidio G. Rainaldi
Sen. H. Diane Snyder (10/13)
Rep. Sheryl Williams Stapleton
Rep. Mimi Stewart
Sen. Leonard Tsosie (10/13)
Rep. Peter F. Wirth

Sen. Ben D. Altamirano
Sen. Mary Jane M. Garcia
Sen. Gay G. Kernan
Sen. Cisco McSorley
Rep. Al Park
Sen. Shannon Robinson
Rep. Thomas E. Swisstack
Rep. Joe Thompson

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Maha Khoury
Evan Blackstone
Elizabeth Holmes

Guests

The guest list is attached to the original minutes.

Tuesday, October 12

Committee Business

Representative Martinez and Senator Sanchez welcomed committee members and guests.

The committee approved the minutes from the September 21-22, 2004 meeting.

Report from the New Mexico Sentencing Commission

Michael Hall, executive director of the New Mexico Sentencing Commission (NMSC), reported on the major changes and events at the NMSC over the past year. NMSC held about 50 meetings in the past 12 months, the majority of which were on sex offender-related issues. The NMSC's web site is currently receiving approximately 90,000 hits per month. Mr. Hall also mentioned the successful national sentencing commission conference hosted by NMSC, the addition of the Sex Offender Management Board (SOMB) and staffing changes.

Claudia Armijo, NMSC staff, and Matt Thomas, SOMB member, briefed the committee on the work of the SOMB. A few of the latest issues addressed by the SOMB are the use of polygraphs in sex offender management and the imposition of a surcharge for convicted sex offenders. The largest focus of the SOMB has been to bring New Mexico's Sex Offender and Notification Act, or Megan's Law, into federal compliance with the provisions of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Ms. Armijo and Mr. Thomas presented proposed amendments to New Mexico's Sex Offender Registration and Notification Act.

John Bigelow, chief public defender and NMSC member, reported on the New Mexico Supreme Court's task force appointed to study problems in the New Mexico court system. The task force has recommended that a study be conducted regarding the statewide resource needs of the public defender, district attorneys and state courts. NMSC is seeking funding for this study, and it requested that the committee endorse an appropriation bill. NMSC is also proposing legislation concerning processing fees for worthless check prosecutions and an equitable theft bill, and will report on earned meritorious deductions.

Tony Ortiz, NMSC staff member, discussed the initiatives and proposed draft legislation of other NMSC committees such as the Data Committee, Sentencing Reform Committee, Juvenile Committee and Legislative Committee.

Early Plea Program (EPP) Pilot in Bernalillo County

Ralph Odenwald, district public defender, Richard Bowman, deputy district attorney, the Honorable Richard J. Knowles of the Second Judicial District Court and Bari Roberts, executive director of the Metropolitan Criminal Justice Coordinating Council, reported on the early plea program in Bernalillo County and requested that the program be enhanced. The program is a collaboration among the courts, the district attorney and the public defender to reduce the backlog of criminal cases, minimize the impact of increasing annual caseload and maximize system resources for more complex cases in the Second Judicial District.

Report from the Office of the Medical Examiner

Dr. Ross E. Zumwalt, chief medical investigator, and Tim Stepetic, both of the New Mexico Office of the Medical Investigator (OMI), briefed the committee on OMI's backlog and turnaround time. Dr. Zumwalt informed the committee that failure to retain toxicologists contributes to backlog because toxicologists are lured to the private sector by higher salaries. As possible solutions to the problem, Dr. Zumwalt suggested the compensation cap on toxicologists' salaries be eliminated and he recommended an increase in the salary range of toxicologists employed by the state. Dr. Zumwalt also reported that OMI funding and revenue has increased in recent years. Last year, the legislature approved a 20 percent increase in funding for toxicology. OMI hopes to hire four additional full-time employees.

Report from the Department of Public Safety Forensic Laboratories

Susan Scholl and Paul Cook of the New Mexico Department of Public Safety (DPS) forensic laboratories briefed the committee on the backlog and turnaround time at the forensic laboratories. Ms. Scholl said the DPS forensic laboratories' backlog and turnaround time is due to a shortage of resources and case prioritization. Space limitations at the laboratories severely impede the addition of extra staff or disciplines and DPS forensic laboratories are faced with recruitment and retention issues.

The committee recessed at 6:30 p.m.

Wednesday, October 13

The committee reconvened at 9:30 a.m. in Room 311, State Capitol.

Report From the Judiciary

The Honorable Petra Maes, chief justice of the New Mexico Supreme Court, the Honorable Richard C. Bosson, justice of the New Mexico Supreme Court, and the Honorable James J. Wechsler, chief judge of the New Mexico Court of Appeals, reviewed and presented the priorities and proposed legislation for fiscal year 2006 for the judicial branch. The priorities of the judiciary include adequate funding for: base budgets, staff and judicial salaries, additional judgeships, new staffing and drug court replacement funds.

The Juvenile Justice Continuum of Services, Sixth Judicial District

Scott Vinson, Luna County manager, Susanne D'Avalon, grant writer for the Luna County Manager's Office, and Joe Nestor Chavez reported on the Sixth Judicial District's Juvenile Justice Continuum of Services (JJCS). JJCS is a collaborative strategy and program between Luna, Hidalgo and Grant county leaders and the Sixth Judicial District to develop programs for intervention, prevention and diversion of juvenile delinquent behavior. The program has been cost-effective and reduced long-term commitments to New Mexico juvenile detention facilities, reduced the number of juvenile petitions filed and reduced the total number of delinquent offenses. The Juvenile Services Division of the Sixth Judicial District will request an annual appropriation from the legislature for sustaining the implementation of the Sixth Judicial District's JJCS. The committee raised the possibility of using JJCS as a model for a pilot program or statewide initiative to reduce juvenile crime in other parts of New Mexico.

Children's Cabinet on Safeguarding Children Found in a Methamphetamine Production Environment (HJM 77)

The committee heard from Dorian Dodson, Dr. Robert Sapient and Dr. Karen Campbell, all members of the task force assembled by the Children's Cabinet to create an approach to protect and care for children found in a methamphetamine environment. The task force included representatives from law enforcement, child protection services and the medical community. The task force was created pursuant to House Joint Memorial 77 of the 2004 legislative session and Ms. Dodson, Dr. Sapient and Dr. Campbell presented the task force's report. The panel discussed the procedures developed by the working task force for first responders to the methamphetamine production environment. The report includes a plan for training agencies involved in the care of children affected by methamphetamine exposure. The report also outlines the resource needs of law enforcement, child protective services and emergency medical services to implement the protocol.

Proposed Amendment to the Domestic Violence Offender Treatment Fee

Agnes Maldonado, executive director of the New Mexico Coalition Against Domestic Violence, proposed an amendment to the domestic violence offender treatment fee to include collection of the fee from any person convicted of violating a provision of the Motor Vehicle Code.

Legislative Proposal Regarding Insurance Fraud Penalties

Alan Rackstraw, first assistant prosecutor of the Insurance Fraud Bureau, requested that the committee introduce and endorse a bill similar to Senate Bill 289 introduced during the 2004 legislative session. The bill amended a section of the New Mexico Insurance Code to increase penalties for degrees of false application offenses. Representative Martinez directed that this bill, as amended, be included in the equitable theft bill presented by the NMSC.

The committee adjourned at 2:00 p.m.